

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONALD PLAZA,

Petitioner,

-v-

SUPERINTENDENT ROSEMARIE WENDLAND,

Respondent.

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24-CV-3175 (JAV)

ORDER OF DISMISSAL

JEANNETTE A. VARGAS, United States District Judge:

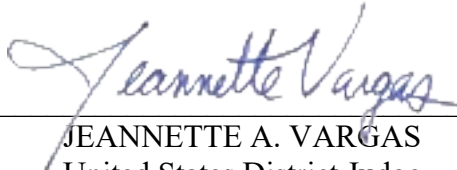
On July 5, 2024, Respondent filed a motion to dismiss this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. *See* ECF No. 9. As Petitioner did not file any opposition to the motion, the Court, on December 18, 2024, *sua sponte* extended his time to respond until February 17, 2025. ECF No. 10. The Court warned Petitioner that a failure to respond by that date would result in the motion to dismiss being deemed unopposed and may result in the dismissal of the petition. *Id.* Petitioner has not filed any opposition.

Upon review of Respondent's motion papers, the case is dismissed, both for failure to prosecute pursuant to Rule 41 and because the petition was untimely filed under 28 U.S.C. § 2244(d)(1). ECF No. 9. Specifically, Petitioner's state court conviction became a final judgment on October 24, 2017. *Id.* Petitioner had one year from that date to initiate these habeas proceedings under section 2244(d)(1). Even accounting for tolling during the pendency of Petitioner's state court coram nobis application, *see* 28 U.S.C. § 2244(d)(2), this petition was untimely filed.

Accordingly, the motion to dismiss is GRANTED. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: August 4, 2025
New York, New York



JEANNETTE A. VARGAS
United States District Judge